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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 5TH AVE FL 16
NEW YORK NY 10001-7708

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OFFICE OF PETITIONS

In re application of :
Kei Yamada, et al. :
Application No. 09/881,925 : **DECISION GRANTING PETITION**
Filed: June 14, 2001 :
Attorney Docket No. 01358/LH :

This is a decision on the petition filed on May 19, 2005, requesting that the filing date of an Amendment and Information Disclosure Statement (IDS) be acknowledged as May 9, 2005, rather than the presently accorded filing date of May 10, 2005.

Applicants request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on May 9, 2005. In support, the petition is accompanied by a copy of a USPS record styled "Pickup Service Statement - Express Mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EV 478458934 US (the same Express Mail number found on the papers located in the official Image File Wrapper) was picked up by the USPS from counsel's office on May 9, 2005. The U.S. Postal Service Track & Confirm restoration record corroborates a "date-in" of May 9, 2005, as it shows that the "Express Mail" package in question was accepted at 9:16pm on May 9, 2005 at the USPS located in New York, NY 10150.

In view of the above, it is concluded that the correct date of deposit of the amendment and IDS in Express Mail service is May 9, 2005. Accordingly, the amendment and IDS will be annotated to show that they were filed pursuant to 37 CFR 1.10 on May 9, 2005, not May 10, 2005, in the Image File Wrapper.

The petition is granted. No petition fee was charged to counsel's deposit account, nor is one due.

The application is being referred to Technology Center AU 2624 for consideration of the amendment and IDS filed May 9, 2005.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions